

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE SPECIFICATION

The Summary of the Invention section of the specification has been amended to correspond to the new claims. No new matter has been added, and it is respectfully requested that the amendments to the specification be approved and entered.

THE PRIORITY CLAIM

On page 2 of the Office Action, the Examiner states that if the certified copy of Japanese patent application No. 2002-218863 has been filed to obtain the benefit of priority under 35 USC 119 of Japanese patent application No. 2002-218863, then a claim for foreign priority must also be presented.

The priority of Japanese patent application No. 2002-218863 was timely claimed in the Declaration filed with the original application papers.

THE CLAIMS

Claim 23 is based on original claim 1 rewritten to more clearly recite features of the present invention in better U.S. form. New claim 23 recites that the control unit controls the

photographing apparatus to capture images in one of a spectroscopic image capturing mode and a moving image capture mode, selectively. See the disclosure in the specification at, for example, page 17, lines 5-17; page 22, line 22 to page 25, line 6; page 26, line 3 to page 28, line 19; page 26, line 20 to page 31, line 16; and page 32, lines 10-12.

Claims 24-28 are based on original claims 3-7 (though original claim 5 depended from claim 3, whereas new claim 26 corresponding to claim 5 depends from new claim 23).

Claim 29 recites that the photographing operating unit includes a pressing button switch, and the control unit switches between the spectroscopic image capturing mode and the moving image capturing mode in accordance with pressing of the button switch, as supported by the disclosure in the specification at, for example, page 25, lines 4-6.

Claim 30 is based on original claim 10.

Claim 31 recites that at least one of the plurality of light-emitting devices has a characteristic of spectroscopic distribution extending between different bands of the color filter array, as supported by the disclosure in the specification at, for example, page 59, line 18 to page 68, line 6.

Claims 32 and 33 are based on original claims 11 and 12, respectively.

Claim 34 recites that the photographing apparatus further comprises a display section for displaying an image based on the image signal outputted from the image pick-up device unit, as supported by the disclosure in the specification at, for example, page 19, lines 10-12, page 25, lines 7-10, and page 31, lines 17-23.

Claims 35-38 are based on original claims 13-16, respectively.

Claims 39 is based on original claims 17 and 18. See also page 35, line 24 to page 36, line 3.

Claim 40 recites that the color-reproduction calculating unit generates image data of XYZ tristimulus values, and the calculating unit generates an input profile for generating the image data of the XYZ tristimulus values using at least one of illumination light spectrum data and characteristic data of the image pick-up device unit. See the disclosure in the specification at, for example, page 36, lines 9-19 and page 37, lines 22-25.

And claim 41 is based on original claim 20.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1-5, 9-13, 17, 18 and 20-22 are rejected under 35 USC 102 as being anticipated by USP 5,523,786 ("Parluski"); claims 6, 7, and 14-16 were rejected under 35 USC 103 as being obvious in view of the combination of Parluski and US 2003/0107652 ("Williams"); claim 19 is rejected under 35 USC 103 as being obvious in view of the combination of Parluski and USP 4,845,553 ("Konomura et al"); and claim 8 was rejected under 35 USC 103 as being obvious in view of the combination of Parluski and USP 6,006,041 ("Mizumaki"). These rejections, however, are respectfully traversed with respect to the claims as set forth hereinabove.

New independent claim 23 recites an image processing system comprising a photographing apparatus and a processing apparatus.

According to new independent claim 23, the photographing apparatus comprises: a plurality of light-emitting devices for emitting illumination light having characteristics of spectroscopic distributions varied in at least a visible light range; an image pick-up optical system which forms a subject image of a subject illuminated by the light-emitting devices; an image pick-up device unit which picks-up the subject image formed by the image pick-up optical system and outputs an image signal; and a control unit which controls the photographing apparatus to

capture images in one of a spectroscopic image capturing mode and a moving image capturing mode, selectively.

In the spectroscopic image capturing mode recited in new claim 23, the control unit controls at least a plurality of the plurality of light-emitting devices, which are selected according to the characteristics of the spectroscopic distributions of the light emitting devices, to sequentially light-on, and the control unit controls the image pick-up device unit to capture sequential spectroscopic still images of the subject simultaneously with the sequential lighting-on of the light-emitting devices; and

In addition, in the moving image capture mode recited in new claim 23, the control unit one of: (i) controls a specific primary color of the light-emitting devices to light-on, and controls the image pick-up device unit to capture a moving image while the specific primary color of the light-emitting devices are lighted-on, and (ii) controls a plurality of groups of the light-emitting devices to sequentially light-on group by group, each of the groups including at least one of the light-emitting devices and the characteristics of the spectral distributions of each of the groups being different, and controls the image pick-up device unit to capture a moving image while the groups of the light-emitting devices are sequentially lighted-on.

And according to new claim 23, the processing apparatus comprises a calculating unit which performs an image calculation based on an output of the image pick-up device.

Parulski discloses emitting a luminance light beam to a subject by activating both red and green light emitting devices (LEDs) 26a, 26b, and emitting respective red and blue chrominance light beams to the subject by sequentially activating the red light emitting device 26a and the blue light emitting device 26c. By capturing images during the emission of luminance and chrominance light, the apparatus of Parulski obtains a luminance frame, then a red frame, then a blue frame. Parulski also discloses adjusting the illumination time period during which LEDs are activated based on the distance between the subject and the light source. See, for example, column 4, lines 36-48, and column 5, line 30 to column 6, line 62.

It is respectfully submitted, however, that Parulski does not disclose a control unit which controls the photographing apparatus to capture images in one of a spectroscopic image capturing mode and a moving image capturing mode, selectively, as recited in new independent claim 23, wherein in the spectroscopic image capturing mode at least a plurality of the plurality of light-emitting devices, which are selected according to the characteristics of the spectroscopic distributions of the light emitting devices, are controlled to sequentially light-on, and wherein in the moving image capturing mode a specific primary color of the light-emitting devices is controlled to light-on or a plurality of groups of the light-emitting devices to

sequentially light-on group by group (each of the groups including at least one of the light-emitting devices and the characteristics of the spectral distributions of each of the groups being different).

It is respectfully submitted, moreover, that the other cited references also do not disclose, teach or suggest this structure of new independent claim 23.

Accordingly, it is respectfully submitted that the present invention as recited in new independent claim 23 and claims 24-41 depending therefrom clearly patentably distinguishes over Parulski et al, taken singly or in combination, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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